

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH VOLFMAN

Plaintiff,

-against-

K & L HOSPITALITY LLC d/b/a LITTLE REBEL  
and LEE'S FAMILY REALTY INC.,

Defendants.

24-CV-05989 (MMG) (RFT)

**ORDER**

**ROBYN F. TARNOFSKY, United States Magistrate Judge:**

The Complaint was filed on August 7, 2024 (see ECF 1), and the filings on the docket indicate that Defendants K & L Hospitality LLC and Lee's Family Realty Inc. ("Defendants") have not yet been properly served. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).

The time to serve the complaint on each Defendant has expired. If any Defendants have been served, Plaintiff is directed to file proof of service of such Defendants on the docket by

**November 15, 2024.**

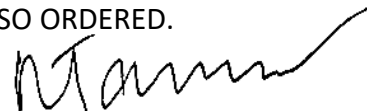
If any Defendants have not been served, Plaintiff, in accordance with Rule 4(m), is notified that it is my intention to recommend that Judge Garnett dismiss the claims against those Defendants. If Plaintiff wishes to move for a nunc pro tunc extension of the time for

service, any such motion for an extension must be filed on or before **November 19, 2024**, must show good cause for the extension, and must include a complete description under oath of all efforts made to date to effectuate service. In addition, the application to extend the time for service must comply with the Local Rules of the United States District Court for the Southern District of New York, including Local Rules 6.1 and 7.1. Service of the notice of motion and accompanying papers should be made by mail at the address of each Defendant.

If proof of service is not filed by **November 15, 2024**, and if no motion to extend time is filed by **November 19, 2024** in accordance with this Order, I will issue a report and recommendation that Judge Garnett dismiss the claims against Defendants.

DATED: November 12, 2024  
New York, NY

SO ORDERED.

A handwritten signature in black ink, appearing to read 'RTarnofsky', written over a horizontal line.

**ROBYN F. TARNOFSKY**  
United States Magistrate Judge